

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SUNCO TIMBER (KUNSHAN) CO., LTD.,

Plaintiff,

vs.

LINDA SUN, et al.,

Defendants.

Civ. A. No. 1:22-cv-10833-MJJ

DEFENDANTS' SECOND MOTION FOR ISSUANCE OF COMMISSION

The defendants move that the Court issue the commission attached to this motion as Exhibit 1. The proposed commission appoints Hiu Yee Chung, Esq., a Hong Kong lawyer, as commissioner for the taking of the depositions of Guoqing Wu, Bing Zhao, and Ruihua Xiao in Hong Kong. In support of this motion, the defendants say as follows:

1. The Court previously granted the defendants' unopposed motion for issuance of a commission to take Mr. Wu's deposition (ECF No. 156).

2. Per the parties' last status report, the plaintiff's intention was to bring its 30(b)(6) witnesses, Bing Zhao and Ruihua Xiao, to Boston to testify. The plaintiff's counsel has, however, informed the defendants that the two witnesses were denied visas to travel to the United States.

3. While the parties are still discussing whether Mr. Zhao and Mr. Xiao will apply again for visas, the defendants request issuance of a commission covering all three witnesses, in order to allow the commissioner to submit the request for permission to the Hong Kong authorities as soon as possible and avoid unnecessary delays.

4. Per the Court's prior orders, the commission provides that the defendants will bear the costs of the commissioner with respect to Mr. Wu's deposition and that the plaintiff will bear the costs of the commissioner with respect to Messrs. Zhao and Xiao's depositions. The defendants will bear the costs of the interpreter and the stenographer for all three depositions, as they would have to bear those costs in any case if the witnesses traveled to Boston.¹

Respectfully submitted,

DAVID SUN, SHILLOCK YUAN-SUN,
INFINITY WOOD PRODUCTS, LLC,
SUNCO, INC., EASTMAN ST.
DISTRIBUTORS, LLC, EASTMAN ST.
WOODWORKS, INC., and INFINITY
REALTY CO. LLC,

By their attorneys:

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LINDA SUN and NEW SUN LP,

By her attorneys:

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¹ The defendants are arranging for the stenographer and interpreter via Planet Depos, a well-known international discovery vendor. They are informed that it may be necessary, depending on the days on which the depositions are scheduled, for the stenographer or interpreter to travel to Hong Kong. If that happens with the Zhao or Xiao depositions, those travel costs should be borne by the plaintiff, because they are expenses that would not have been incurred had the deposition taken place in Boston. The defendants ask the Court to order that the plaintiff bear those travel costs if they are necessary.

CERTIFICATE OF COMPLIANCE

I certify that I conferred with counsel for the plaintiff and have attempted in good faith to resolve or narrow the issue presented by this motion.

/s/ Theodore J. Folkman